

REMARKS

Applicant thanks the Examiner for total consideration given the present application. Claims 1-26 were pending prior to the fourth non-final Office Action. Claims 3, 12, and 18 have been cancelled through this Reply. Thus, claims 1, 2, 4-11, 13-17, and 19-26 are currently pending of which claims 1, 10, 16, and 22 are independent. Claims 1, 4, 10, 13, 16, 19, and 22 have been amended through this Reply. It is respectfully submitted that no new matter has been added to the application through this amendment. Applicant respectfully requests reconsideration of the rejected claims in light of the remarks presented herein, and earnestly seeks timely allowance of all pending claims.

INTERVIEW SUMMARY

Applicants thank the Examiner for granting a telephone interview with the Applicant's representative on November 20, 2007. During the interview, the Examiner confirmed that omitted claims 18 and 19 in the Office Action mailed September 18, 2007 were intended to be objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Thus, the Examiner confirmed that claims 1, 2, 5-11, 14-17, and 20-23 stand rejected and claims 3, 4, 12, 13, 18, 19, and 24-26 stand objected to as being dependent upon rejected base claim, but would be allowable if written in independent form including all of the limitations of the base claims and any intervening claims.

ALLOWABLE SUBJECT MATTER

Applicant appreciates that claims 3, 4, 12, 13, 18, 19, and 24-26 are indicated to define allowable subject matter.

35 U.S.C. § 102 REJECTION – Tzannes

The Examiner rejects claims 1, 2, 5-11, 14-17, and 20-23 under 35 U.S.C. §102(b) as allegedly being anticipated by Tzannes (U.S. 6,567,473)[hereinafter "Tzannes"]. Applicant respectfully traverses this rejection.

Initially, it is respectfully submitted that Tzannes does not qualify as a 102(b) reference since the Tzannes reference was not published more than one year prior to the filing date of the instant application. Note that the Tzannes reference was published on May 20, 2003, whereas the filing date of the instant application is November 25, 2003. It is assumed that the Examiner intended to apply this reference as a 102(e) reference.

Applicant respectfully traverses the rejection of claims 1, 2, 5-11, 14-17, and 20-23 for the reasons set forth below.

For a Section 102 rejection to be proper, the cited reference must teach or suggest each and every claimed element. *See M.P.E.P. 2131; M.P.E.P. 706.02.* Thus, if the cited reference fails to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, Tzannes fails to teach or suggest each and every claimed element. For example, independent claim 1 recites, *inter alia*, “implement . . . a power management algorithm of the plurality in which the transceiver is deactivated after a first period of device inactivity, and implement . . . a power management algorithm of the plurality in which the transceiver is deactivated after a second period of device inactivity, the second period being longer than the first period.” *Emphasis added.* Note that independent claims 10, 16, and 22 also recite the above-identified claim feature with mere variations in wording. Further, note that the above-identified claim feature was previously recited on cancelled allowable claims 3, 12, or 18.

It is respectfully submitted that Tzannes fails to teach or suggest the above-identified claim feature of independent claims 1, 10, 16, and 22.

Tzannes merely discloses a conventional method of seamlessly changing power modes in a. Asymmetric Digital Subscriber Line (ADSL) system. Particularly, Tzannes is directed to a Discrete Multitone Modulation (DMT) system and method with the capability to adapt the system bit rate on-line in a seamless manner. For example, Tzannes discloses framing and encoding method with reduced overhead compared to conventional DMT systems such that the DMT system and method provide seamless rate adaptation with the provision of different power

levels. *See abstract.* Tzannes further discloses a Normal Seamless Rate Adaptation (NSRA) protocol or Fast Seamless Rate Adaptation (FSRA) protocol that can be initiated by either a transmitter or a receiver. It is respectfully submitted that neither the NSRA protocol nor the FSRA protocol teaches or suggests a power management algorithm in which the transceiver is deactivated after a first period of device inactivity, and a power management algorithm in which the transceiver is deactivated after a second period of device inactivity, wherein the second period being longer than the first period.

Therefore, for at least these reasons, independent claims 1, 10, 16, and 20 are distinguishable from Tzannes. Claims 2, 4-9, 11, 13-15, 17, 19, and 21-23 are also distinguishable from Tzannes at least by virtue of their dependency on corresponding independent claim.

Accordingly, Applicant respectfully requests that the rejection of claims 1, 2, 4-11, 13-17, and 19-23, based on Tzannes, be withdrawn.

Conclusion

In view of the above amendment and remarks, Applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Ali M. Imam Reg. No. 58,755 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

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